

PART 394—GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

Sec.

394.1 Purpose.

394.2 Definition.

394.3 Responsibilities and functions.

394.4 Relationships.

394.5 Authorities.

AUTHORITY: 10 U.S.C. 137.

SOURCE: 55 FR 2807, Jan. 29, 1990, unless otherwise noted.

§ 394.1 Purpose.

This part:

(a) Implements the provision of title 10, United States Code that establishes the position of General Counsel of the Department of Defense (GC, DoD).

(b) Assigns to the GC, DoD, the responsibilities, functions, relationships, and authorities prescribed herein, pursuant to the authority vested in the Secretary of Defense under title 10, United States Code.

§ 394.2 Definition.

DoD components. The Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, and the DoD Field Activities.

§ 394.3 Responsibilities and functions.

The *General Counsel, Department of Defense* (GC, DoD), is the chief legal officer of the Department of Defense and, as such, shall:

(a) Provide advice to the Secretary and Deputy Secretary of Defense regarding all legal matters and services performed within, or involving, the Department of Defense.

(b) Provide legal advice to OSD organizations and, as appropriate, other DoD Components.

(c) Oversee, as appropriate, legal services performed within the Department of Defense, including determining the adherence by attorneys in the Department of Defense to appropriate professional standards.

(d) Coordinate on appeals from denials of requests under the Freedom of Information Act, as appropriate.

(e) Provide advice on standards of conduct involving personnel of OSD and, as appropriate, other DoD Components.

(f) Develop the DoD Legislative Programs and coordinate DoD positions on legislation and Executive orders.

(g) Provide for the coordination of significant legal issues, including litigation involving the Department of Defense and other matters before the Department of Justice in which the Department of Defense has an interest.

(h) Establish DoD policy on general legal issues, determine the DoD position on specific legal problems, and resolve disagreements within the Department of Defense on such matters.

(i) Perform such functions relating to the DoD security program (including surveillance over DoD personnel security programs in accordance with DoD Directive 5145.3¹ and DoD Directive 0–5205.7,² as the Secretary or Deputy Secretary of Defense may assign.

(j) Act as lead counsel for the Department in all international negotiations conducted by OSD components.

(k) Maintain the central repository for all international agreements coordinated, negotiated, or concluded by DoD personnel.

(l) Serve as the Director, Defense Legal Services Agency (DLSA).

(m) Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

§ 394.4 Relationships.

(a) In the performance of the above responsibilities and functions, the GC, DoD, shall:

(1) Exercise direction, authority, and control over the DLSA, consistent with DoD Directive 5145.4³.

(2) Coordinate actions and exchange information with other DoD organizations having collateral or related functions.

(3) Promote coordination, cooperation, and mutual understanding of matters pertaining to assigned functions within the Department of Defense

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

²For official use only.

³See footnote 1 to § 394.3(i).

Office of the Secretary of Defense

§ 395.4

and between the Department of Defense, other Government Agencies, and the public.

(4) Serve on boards, committees, and other groups concerned with matters pertaining to assigned functions and represent the Secretary of Defense on assigned functions outside the Department of Defense, including serving as the representative of the Secretary of Defense to the Department of Justice on all appropriate matters.

(5) Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

(b) All DoD Components shall coordinate with the GC, DoD, on matters related to the functions in §394.3

§394.5 Authorities.

The GC, DoD, is delegated authority to:

(a) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M,⁴ that implement policies approved by the Secretary of Defense in the functions assigned to the GC, DoD. Instructions to the Military Departments shall be issued through the Secretaries of those Departments or their designees. Instructions to Unified and Specified Commands shall be issued through the Chairman, Joint Chiefs of Staff (CJCS).

(b) Obtain reports, information, advice, and assistance from other DoD Components, consistent with DoD Directive 7750.5,⁵ to carry out assigned functions and responsibilities.

(c) Communicate directly with the heads of the DoD Components. Communications to the Commanders of Unified and Specified Commands shall be coordinated through the CJCS.

(d) Communicate with other Government Agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

PART 395—DEFENSE LEGAL SERVICES AGENCY

Sec.

395.1 Purpose.

⁴See footnote 1 to §394.3(i).

⁵See footnote 1 to §394.3(i).

395.2 Definition.

395.3 Organization and management.

395.4 Functions and responsibilities.

395.5 Relationships.

395.6 Authorities.

APPENDIX TO PART 395—DELEGATIONS OF AUTHORITY

AUTHORITY: 10 U.S.C. 133.

SOURCE: 55 FR 2808, Jan. 29, 1990, unless otherwise noted.

§395.1 Purpose.

This part, pursuant to the authority vested in the Secretary of Defense under title 10, United States Code, updates the Defense Legal Services Agency (DLSA) charter with functions, responsibilities, relationships, and authorities as outlined herein.

§395.2 Definition.

DoD Components. The Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, and the DoD Field Activities.

§395.3 Organization and management.

(a) The DLSA is established as a separate agency of the Department of Defense under the direction, authority, and control of the General Counsel of the Department of Defense (GC, DoD). It shall consist of a Director and such subordinate organizational elements as are established by the Director within resources assigned by the Secretary of Defense. It shall include the legal staffs assigned to the Defense Agencies and DoD Field Activities.

(b) Budgeting, management of ceiling spaces, personnel services, and other administrative support for DLSA personnel shall be the responsibility of the Defense Agency or Field Activity to which those personnel are assigned.

(c) The GC, DoD, shall serve as the Director, DLSA.

§395.4 Functions and responsibilities.

The *Director, Defense Legal Services Agency* (DLSA), shall:

(a) Organize, direct, and manage the DLSA and all resources assigned to the DLSA.